CHARTER

OF THE

CITY OF PROVIDENCE,

AND THE ACT OF THE GENERAL ASSEMBLY FOR ORGANIZING THE GOVERNMENT UNDER THE SAME, PASSED AT

OCTOBER SESSION, 1831.

TOGETHER WITH A LIST OF THE CITY OFFICERS FOR THE YEAR 1832.

ALSO,

THE MAYOR'S ADDRESS

TO THE CITY COUNCIL, DELIVERED AT THE ORGANIZATION OF THE CITY GOVERNMENT, JUNE 4TH, 1832.

Printed by order of the City Council.

PROVIDENCE:
WILLIAM MARSHALL AND CO. PRINTERS.
1832.

CHARTER.

SECTION 1. *Be it enacted by the General Assembly, and by the authority thereof it is enacted*, That the inhabitants of the town of Providence shall continue to be a body politic and corporate, by the name of the "City of Providence ;" and, as such, shall have, exercise, and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations now appertaining to, or incumbent upon said town as a municipal corporation, or appertaining to, or incumbent upon the freemen and town-council thereof; may ordain and publish such acts, laws and regulations as shall be needful to the good order of said body politic, and inflict fines and penalties for the breach thereof, not exceeding two hundred dollars and six months imprisonment for any one offence ; and may hold courts of judicature, with the powers and jurisdictions hereinafter mentioned.

SEC. 2. *And be it further enacted*, That the administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal magistrate, being a freeholder and freeman of said city, to be called the mayor; one council of six freemen, being also freeholders, to be called the board of aldermen ; and one council of twenty four freemen, being also freeholders, to be called the common council; which boards shall, in their joint capacity, be called the city council ; together with such other magistrates or officers as by this act are, or hereafter may be, by the laws of this State and of said city, prescribed ; who shall be sworn or affirmed to the faithful performance of the duties of their respective offices, and to support the constitution of the United States ; *Provided, however*, That it shall at all times be lawful for the freemen of said city of Providence, or any number of them not less than forty, to hold town meetings in said city, for the purpose of transacting business in relation to the property and estate devised to the town of Providence by the last will and testament of Ebenezer Knight Dexter, and denominated the Dexter Donation, and the Asylum, and other town or city property connected therewith ; and the times and places of hold-

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1831

ing such meetings, and the warning thereof, shall be appointed and directed by the city council: and the proceedings of every such town meeting shall be recorded in a book to be kept for that purpose by the city clerk, who shall *ex officio* be the clerk of said meetings.

Sec. 3. *And be it further enacted*, That the mayor of said city shall be the chief executive magistrate thereof, and shall be *ex officio* a justice of the peace within the city. It shall be his duty to be vigilant and active in causing the laws to be executed and enforced; and in order to enable him more effectually to preserve the peace and good order of the city, all the powers given to sheriffs and other officers in and by an act entitled "An act to prevent routs, riots and tumultuous assemblies, and the evil consequences thereof," are hereby conferred upon him. He is also hereby empowered to commit to prison, for a term not exceeding twenty-four hours, any dissolute person or persons who may be detected in revelling in the streets, committing any mischief, quarrelling, or otherwise behaving in a disorderly manner, to the disturbance or annoyance of the peaceable inhabitants of said city. He is also empowered to enter any house or building which he has reasonable cause to suspect to be inhabited by persons of ill fame, or to which persons of dissolute, idle, or disorderly character, are suspected to resort: and if any dissolute, disorderly or vagrant persons are found assembled in or about any such house or building, he shall command all such persons immediately to disperse, if in his opinion the good order of any portion of the city requires it; and in case of neglect or refusal to obey such command, he is hereby authorized to commit any person or persons so disobeying, to prison, for a term not exceeding forty-eight hours; and, if need be, he may require the aid of any sheriff, deputy-sheriff, town-sergeant, constable, or watchman, or all of them, together with such other aid as may be necessary. He shall inspect the conduct of subordinate officers, and cause their violations of duty to be prosecuted and punished. He may call meetings of the boards of aldermen and common council, or of either of them, although one or both of them may have been adjourned to a more distant day. He shall, from time to time, communicate to both of them such information, and recommend such measures, as the business and interests of the city, may, in his opinion, require. He shall preside in the board of aldermen, and

Political Science Research Library, Powers, 30 No. 17 Statutes, City Charters
P 41494

in joint meetings of the two boards, but shall have only a casting vote. The salary of the mayor for the first year in which this charter shall take effect, shall be one thousand dollars, and no more. He shall afterwards be compensated for his services by a salary to be fixed by the city council, in the month of March in each year, payable at stated periods, and he shall receive no other emolument. No regulation to enlarge or diminish said compensation shall take effect until the expiration of the time for which the mayor, in office at the time of such regulation, shall have been chosen.

SEC. 4. *And be it further enacted*, That the executive powers of said city, generally, and the administration of police, with all the powers now possessed by the town-council of the town of Providence, and of its members, by virtue of their offices, (whether said last mentioned powers are conferred by the General Assembly or by the town,) except the power of passing by-laws and ordinances, shall be vested in the mayor and aldermen. All other powers now vested in, or by this charter, conferred upon the inhabitants or freemen of Providence, or in the town-council thereof, shall be vested in the mayor and aldermen, and the common council of said city, to be exercised by concurrent vote, each board to have a negative upon the other. But elections of officers by the city council shall be had in convention of the two boards, and whenever required by any member of the convention, shall be by ballot. The city council may define the duties and fix the compensation and fees of officers, in cases where such duties, fees and compensation shall not be defined or fixed by the laws of this State; and may by concurrent vote, two-thirds of the members present of each board voting in the affirmative, remove officers for misconduct. But no compensation shall be allowed to any member of the common council, nor shall any member of either board be eligible, within the time for which he shall have been elected as such, to any office of profit in the gift of the city council. Each alderman shall receive an annual salary of one hundred dollars, and no more. All officers shall be chosen and vacancies supplied for the current year, except as herein otherwise directed. The city council shall take care that monies shall not be paid from the treasury, unless granted or appropriated; shall secure a just and proper accountability, by requiring bond, with sufficient penalty and surety or sureties, from

all persons intrusted with the receipt, custody, and disbursement of moneys; shall have the care and superintendence of city buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold, and to purchase and take, in the name of the city, such real and personal property as they may think useful to the public interest. All taxes ordered to be assessed by the city council, or by the General Assembly, shall be assessed, apportioned and collected according to the modes prescribed by the laws of the State; and the city council shall, as often as once a year, cause to be published, for the information of the freemen, a particular account of receipts and expenditures, and a schedule of city property.

SEC. 5. *And be it further enacted*, That all the by-laws, ordinances and regulations heretofore made by the freemen of the town of Providence, or by the town-council thereof, and now in force, shall, notwithstanding this act, be and remain in force until they shall expire by limitation, or be repealed by the city council. And prosecutions and suits may be commenced and proceeded thereon in the name of the city, or of the officers or other persons by said by-laws, ordinances and regulations empowered or directed to prosecute and sue, and the fines and penalties recovered shall go to the uses in such by-laws, ordinances and regulations named, or according to law.

SEC. 6. *And be it further enacted*, That the judicial powers herein granted shall be exercised by a municipal court, to be holden by one judge, to be appointed by the city council; and by a police court, to consist of so many of the justices, assigned to keep the peace within said city by the General Assembly, not exceeding three, as shall be annually selected by concurrent vote of the city council, and oftener in case of vacancy; any one of whom shall constitute a quorum. The said courts may punish for contempts by fine and imprisonment. The judge of said municipal court shall hold regular terms, at such times and in such place in said city, as may be appointed by ordinance of the city council, and may adjourn his court from time to time; and in case of his sickness or absence, the clerk of said court may adjourn the same to such time as may be necessary on that account. The said judge shall exercise the probate jurisdiction now exercised by the town-council of Provi-

dence; and the probate business of said town-council, unfinished at the time of his coming into office, shall be proceeded in and finished by the municipal judge. The municipal court shall have original jurisdiction of suits for offences against the by-laws, ordinances and regulations of the freemen of the town of Providence, of the town-council of said town, and of the city-council of said city, in which the penalty or fine shall exceed ten days' imprisonment, or twenty dollars. It shall have final appellate jurisdiction in suits originally brought at the police or justices' courts against inhabitants of said town or city, for offences against by-laws, in which the fine or penalty shall not exceed twenty dollars, or ten days' imprisonment. The judge of said court may empannel juries of the freemen of the city, to be drawn by the board of aldermen in the same manner as heretofore by the town-council, to be taken up by writ of *venire facias*, or from the by-standers: And that the plaintiff or appellant in said court, shall pay to the clerk thereof, the sum of five dollars for the trial of each cause, before the verdict thereon shall be rendered, to be by said clerk paid into the city treasury. It shall be lawful for said judge so to alter the form of writs and other process, whether of common law or probate, as to make the same consistent with the organization, style and jurisdiction of the court; and such writs and process shall have the same validity and extent, and be served, obeyed, enforced and returned in the same modes and by the same officers, as are the writs and other process from courts of common pleas and of probate: *provided, however*, that said writs and other process may also be served by the constables of said city. The said judge shall cause records of the proceedings, judgments, orders and decrees of the court to be kept by the clerk thereof, who shall be appointed by the city council. The judgments, orders and decrees of said court, in cases originating therein, may be appealed from, as by law prescribed in cases originating in courts of probate or of common pleas. The supreme judicial court shall, thereupon, render final judgment. *Provided*, that nothing herein shall deprive any person of his writ of review, or of his right to petition the supreme judicial court for a new trial; and provided, also, that if said municipal judge shall be personally interested, or related within the ninth degree to a party in any cause in said court, and if any party in said cause shall object to him on that account, the mayor and aldermen shall appoint one

of the aldermen to constitute said court, and act as municipal judge in that cause, who shall have the same power as the municipal judge. And in case the clerk of said court shall be a party in any writ or process therein, such writ or process shall be signed by the judge thereof. And all executions issuing from said court, shall be returnable to the next term thereof.

Sec. 7. *And be it further enacted*, That the police court of said city shall have exclusive original jurisdiction of suits for offences against the by-laws, ordinances and regulations of the freemen of the town of Providence, of the town-council of said town, and of the city council of said city, in which the punishment shall not exceed ten days' imprisonment, or twenty dollars fine, and shall be holden at such times and places in said city, as may, from time to time, be provided by the city council. The justices thereof shall have the same power and jurisdiction which other justices of the peace have in criminal cases; and all writs and process signed by any one of them, shall be valid to all intents and purposes. Said court shall keep a regular docket of all cases therein, shall record its judgments, orders and sentences, and furnish certified copies thereof, when required; and shall receive the same fees for all copies as are allowed by law to clerks of the courts of common pleas. In cases between inhabitants of the city, any party aggrieved by a judgment of said court may appeal to the municipal court; but in cases where one of the parties shall not be an inhabitant of the city, any party so aggrieved may appeal to the court of common pleas of the county; and the judgment of said municipal court, or court of common pleas thereon shall be final: Appeals may be had in all other cases, as by general law provided.

Sec. 8. *And be it further enacted*, That for the purpose of holding elections, the said city shall be divided into six wards, to contain, as nearly as may conveniently be, an equal number of freemen. And it shall be the duty of the city council, from time to time, not more than once in five years, to revise, and, if it be needful, to alter said wards, in such manner as to preserve, as nearly as may be, an equal number of freemen to each. A quorum for the transaction of business in ward meetings, shall consist of at least eleven freemen. In each ward there shall, annually, on the third Wednesday of April, be chosen a warden and clerk, who shall hold their offices for one year, and

until others shall have been chosen to their places. The wardens shall preside at the meetings of the wards, with the powers and duties of moderators of town-meetings; and the clerk shall record all the proceedings, and certify the votes given. Immediately after the choice of warden and clerk, the freemen present shall elect, by a majority of the votes given in each ward, four of the freemen of said ward to be members of the common council. As soon as the requisite number of common council men shall have been chosen, each freeman shall carry in his written or printed ballot, endorsed with his name, for one freeholder, being a freeman of said city, for mayor; and six such freeholders, being freemen, that is to say, one from each ward in the city, to be aldermen thereof, for one year from the first Monday of June, then next to ensue. All the ballots for mayor and aldermen shall be sorted, counted, registered, declared, sealed up, certified, and directed in open ward meetings, to the city clerk, and shall be opened and counted by the board of aldermen, who shall cause written notice to be given to such persons, not then of the board, as shall have received a majority of the votes given; and if no mayor, or less than six aldermen shall be chosen, or any person chosen shall refuse to accept, shall issue warrants for another election; and so, from time to time, shall order new elections, until a mayor and six aldermen shall have been chosen by a majority of the freemen voting. The said board may also, in case of vacancy in the office of mayor, happening within the year, direct such vacancy to be filled by a new election. On the first Monday of June, in each year, the mayor, aldermen, and common council men elect, shall meet in convention. The members elect of the common council, shall deliver to the mayor, or presiding officer, their certificates of election, and the mayor shall administer to such of the members of the two boards as shall be present, not already sworn or affirmed, the oath or affirmation herein before prescribed; and thereupon the convention shall ballot for a city clerk. The city clerk shall be clerk of the board of aldermen. He shall perform such duties as may be prescribed by the board of aldermen or city council, and discharge all the duties and exercise all the powers by law incumbent on, or vested in the town-clerk of the town of Providence, excepting as probate clerk; and all acts done by said city clerk which were formerly required of said town clerk, shall have the same binding effect upon all

persons as though done by said town clerk. He shall give notice, in one of the city papers, of the times and places of regular ward meetings; but the place of each regular ward meeting, and also the day and hour, when not fixed by law, shall be determined by the board of aldermen. The said board of aldermen may, in the absence of the mayor, choose a president *pro tempore*, who shall preside at joint meetings of the two boards, and who shall also, in the absence of the mayor from the city, or in case of his inability, exercise for the time being all the powers and duties of mayor. The common council shall choose a president and clerk. Each board shall keep a record of its proceedings, and the yeas and nays of the members of either board on any question, shall, at the desire of one fifth of those present, be entered on the journal. Each board may determine the rules of its proceedings, judge of the elections of its own members, and in cases of failure of elections, or of vacancy by death, absence, resignation or disability, may order new elections. A quorum for the transaction of business shall, in each board, consist of a majority of the members thereof.

Sec. 9. *And be it further enacted*, That elections of representatives from the city of Providence to the General Assembly, and all general elections by the freemen, shall be held in the said city, at the ward meetings thereof. The votes given for representatives to the General Assembly, shall be endorsed with the names of the persons voting, shall be declared in open meeting, sealed up, certified and delivered to the city clerk. The votes given for general officers, for electors of president and vice-president of the United States, and for representatives to congress, shall, at the close of the election, be also declared in open meeting, sealed up, certified and delivered to the city clerk. Those for representatives to the general assembly shall be opened and counted by the board of aldermen, who may order new elections, until the whole number of representatives shall have been chosen; and every representative elect shall be furnished by the city clerk with a certificate of his election. The packages of votes given for general officers, for electors of president and vice president of the United States, and for representatives to congress, shall not be opened by the board of aldermen, but shall be by the city clerk, in open board, enclosed and sealed up, directed and delivered according to law.

SEC. 10. *And be it further enacted*, That inhabitants of the said city of Providence, legally entitled to become freemen thereof, may be admitted as such by the board of aldermen and common council, in joint meeting; they having produced their deeds or other evidence of title, and been propounded on the records of said joint meeting, or in town meeting before the organization of the city government, at least three months before such admission, (except in cases of the eldest sons of freemen, and freemen of other towns possessing a sufficient freehold within the city,) and having otherwise conformed to the requisitions of law touching the admission of freemen. The names of all freemen shall be entered by the city clerk in a general list, alphabetically arranged; and it shall be his duty before making up the ward lists of freemen, hereinafter mentioned, to return to the board of aldermen the names of all persons, who, having sold or been divested of their estates, shall be disqualified from voting. The said board of aldermen shall, at least ten days before all regular city and general elections, and as early as practicable before all other elections, cause a list of the freemen of each ward to be sent to the clerk thereof, who shall immediately post up a certified copy thereof, at the place of the ward meeting. And any freeman, not disqualified, whose name shall have been omitted from said list, shall nevertheless, be admitted to vote, on producing to the warden a certificate of his qualifications from the board of aldermen, dated subsequently to the date of the ward list of freemen; which certificate shall be given by the clerk of the board without fee. And any freeman whose name shall have been omitted as aforesaid, and who shall have omitted to procure said certificate, shall be admitted to vote on making oath before the warden, who is hereby authorized to administer the same, (that he is an inhabitant of the ward wherein he offers to vote, has been duly admitted a freeman of said city, and is really and bona fide qualified with sufficient estate, as is required by law,) or is the eldest son of a freeman so qualified, and is an inhabitant of said ward. No person not on said list, not having a certificate as aforesaid, and not taking the oath abovementioned, shall vote, except as hereinafter provided. Freemen of other towns, residing in any ward of the city, may vote therein for general officers, on producing certificates from the town clerk of such towns, as by law provided. In cases where the sufficiency of the estate of persons voting shall be disputed, and such per-

sons shall make oath or affirmation of the sufficiency of such estates, according to law, the board of aldermen shall value such estates ; and such person shall not vote thereon at any subsequent election, unless the said board shall find them sufficient.

An Act to provide for the organization of government in the city of Providence.

Section 1. *Be it enacted by the General Assembly, and by the authority thereof it is enacted*, That the charter of city government by this Assembly at the present session thereof granted to the inhabitants of the town of Providence, entitled "An act to incorporate the city of Providence," shall go into operation on the first Monday in June, in the year eighteen hundred and thirty-two.

Sec. 2. *And be it further enacted*, That for the purpose of organizing of the city of Providence, under the charter aforesaid, the town-council of the town of Providence shall, before the fourth Wednesday in April next ensuing, divide the said town into six wards, to contain, as nearly as may be, an equal number of freemen in each of said wards.

Sec. 3. *And be it further enacted*, That said town-council shall, at least ten days before the said fourth Wednesday in April next, give notice in three or more of the Providence newspapers, of the place in each ward, and of the hour on the said fourth Wednesday in April, where and when the freemen of the several wards shall assemble for the purpose of holding the elections ; and shall direct to some suitable freeman in each ward, a list of the freemen of said ward, and a warrant from said council, empowering him, the said freeman, to call the freemen of said ward to order, and to preside in the meeting until a warden shall have been chosen : and it shall be the duty of such freeman immediately to post up, at the place appointed for the meeting, a certified copy of said list of freemen ; and any freeman of said ward whose name shall have been omitted from said list, shall, nevertheless, be admitted to vote at said meeting, on producing to the warden a certificate of his property and qualifications from the said council, dated subsequently to the date of said

list; but no other person, not on said list, shall be permitted to vote at said meeting.

SEC. 4. *And be it further enacted*, That the freeman in each ward to whom the said list and warrant shall have been directed, shall attend the said ward meeting on the said fourth Wednesday in April, and shall call the meeting to order, and preside therein until a warden shall have been chosen by a majority of the freemen voting; and seven freemen shall be a quorum for business: but in case of the absence or refusal of said freeman, the said council shall substitute another to act in his stead. The warden chosen shall thereafter preside, with the powers of moderators of town meetings. He shall immediately proceed to the election of a clerk, by a majority of the freemen present and voting; and the clerk shall record the proceedings of the meeting, and certify its votes; and thereupon the warden shall proceed to the election of common councilmen, aldermen and mayor, as in the eighth section of said charter is provided. All the ballots given for aldermen and mayor, shall be, within two days, delivered to the town clerk of the town of Providence. The ballots for mayor and aldermen shall be opened and counted by the town-council of said town; who shall thereupon cause written notice to be given to such persons as shall have received a majority of the votes given. And if no mayor or less than six aldermen shall have been chosen, or if any person chosen shall refuse to accept, shall issue lists of freemen and warrants, to the wardens of the respective wards, for holding meetings for a new election; such meetings to be notified, and the votes given in, delivered, returned, opened and counted in the manner herein before provided; and from time to time shall order new elections, until a mayor and six aldermen shall have been chosen by a majority of the votes and shall have accepted.

SEC. 5. *And be it further enacted*, That on the first Monday in June, in the year one thousand eight hundred and thirty-two, the town-council of said town of Providence shall be in session, for the purpose of inducting the mayor and aldermen elect of the city of Providence into office. The oath or affirmation required by the charter, shall be administered to the said mayor and aldermen by the president, or a member of said town-council; and thereupon the city government shall be organized in the mode prescribed in the eighth section of said charter:

provided, nevertheless, that neither the said act of incorporation nor this act shall go into effect or be of any validity, unless said act of incorporation shall be first accepted by three-fifths of such freemen of said town of Providence, as shall be present and vote in a town meeting legally called and warned for the purpose of acting thereon: each freeman voting on said question putting in a written or printed vote, with the words *City Charter* on one side, and the word *Accept*, or the word *Not*, on the other side, written or printed; and with the name of the said voter written thereon: which town meeting shall be called and warned according to law, ten days at least before the holding thereof; and shall be holden on or before the third Monday of November, one thousand eight hundred and thirty one.

OFFICERS OF THE CITY GOVERNMENT.

1832.

SAMUEL W. BRIDGHAM, *Mayor.*

ALDERMEN.

Dexter Thurber, 1st Ward,
Charles Holden, 2d Ward,
John H Ormsbee, 3d Ward,
William T. Grinnell, 4th Ward,
Henry R. Greene, 5th Ward,
Asa Messer, 6th Ward.

COMMON COUNCIL.

First Ward.
Thomas R. Holden,
Jesse Metcalf,
William R. Staples,
Peter Daniels.

Second Ward.
Isaac Brown,
Samuel Pearson,
Joseph Cady,
Cyrus Fisher.

Third Ward.
Joseph S. Cooke,
John Church,
William C. Barker,
Asa Pike.

Fourth Ward.
George Baker,
James M. Warner,
Benjamin D. Weeden,
Thomas B. Fenner.

Fifth Ward.
Samuel Jackson, 2d.
Hezekiah Anthony,
Pardon Clark,
William Talman.

Sixth Ward.
Caleb Williams,
William Olney,
Thomas Sekell,
Sterry Baker.

First Ward.
Peter Pratt, *Warden,*
John B. Dexter, *Clerk.*

Second Ward.
Joseph L. Tillinghast, *Warden,*
Henry L. Bowen, *Clerk.*

Third Ward.
Samuel Dexter, *Warden,*
Albert G. Greene, *Clerk.*

Fourth Ward.
Charles F. Tillinghast, *Warden,*
Jesse N. Olney, *Clerk.*

Fifth Ward.
John Andrews, *Warden,*
Christian M. Nestell, *Clerk.*

Sixth Ward.
Caleb Williams, *Warden,*
John Gould, *Clerk.*

Richard M. Field, *City Clerk.* Stephen Tillinghast, *City Treasurer.*

Joshua Rathbun, *Overseer of the Poor, and Clerk of the Market.*

MUNICIPAL COURT.

Thomas Burgess, *Municipal Judge.*
Allen O. Peck, *Clerk of Municipal Court.*

POLICE COURT.

Robert Knight, Charles F. Tillinghast, Albert G. Greene, Justices.

Edward Harwood, *City Sergeant.*

Hezekiah Anthony and Benjamin D. Weeden, *City Audit.*

City Constables.

David E. Mann,	Jacob C. Gould,	Averil Kingsley,
Sylvester Bowers,	John B. Hough,	Wilson Hattan,
Anthony Dexter,	Jabez J. Potter.	

Sealer of Weights and Measures, John T. Jackson.

Assessors of Taxes.

James U. Arnold,	Amherst Everett,	Henry P. Franklin,
William Sheldon,	Robert Angell.	

Surveyors and Corders of Wood.

John Burrough,	George W. Carpenter,	Asa Ames,
William Warner,	William Bradley,	Samuel Carlile,
Benjamin S. Olney,	George P. Daniels,	Cyrus Grant,
James Snow.		

Surveyors of Highways.

Pardon Mason, Warren Bacheller.

Surveyors of Hoops, Staves and Heading.

William Arnold, Joseph S. Lawton, Samuel Eathforth.

Guagers of Casks.

Esek Eddy,	Daniel V. Ross,	John P. Jones,
James Burrough,	James Brattle.	

Collector of Taxes, John Hill.

Packers and Inspectors of Fish, Peleg S. Shearman, Joshua Hunt.

Overseers of Hospitals, Mayor and Alderman.

Pound Keeper, Joshua Rathbun.

Fence Viewers.

Pardon Mason, Israel Arnold, Edward Harwood.

Field Drivers.

Pardon Mason, Israel Arnold, Edward Harwood, Wm. Thurber.

Presidents of Fire Wards.

Elisha Dyer,	Dexter Thurber,	Richard Jackson,
Benjamin Aborn,	Carlo Mauran,	Wilbur Kelly.

Fire Wards.

William Russell,	Caleb Williams,	Joseph Sweet,
Joseph G Metcalf,	Welcome Congdon,	Hiram Hill,
John Andrews,	Samuel W. Bridgham,	Robert Manchester,
Samuel W. Wheeler,	Roger W. Potter,	Smith Bosworth,
Duty Greene,	Massa Bassett,	Sylvanus G. Martin,
Henry G. Mumford,	Cyrus Williams,	Ezekiel Burr,
John H. Clarke,	Thomas Seekell,	Martin Page,
Solomon Townsend,	Ephraim Talbot,	Benjamin Hoppin,
Samuel Dexter,	Philip W. Martin,	John Church.

School Committee.

Samuel W. Bridgham,	George Curtis,	George Baker,
Dexter Thurber,	Moses B. Ives,	Alexis Caswell,
Charles Holden,	Robert H. Ives,	David Pickering,
John H. Ormsbee,	Peter Pratt,	Pharcellus M.Church,
William T. Grinnell,	Thomas H. Webb,	Robert Knight,
Henry R. Green,	Frederick A. Farley,	Robert E. Patteson,
Asa Messer,	William Aplin.	

Sealers of Leather—Calvin Dean, Joel Metcalf, jr.

City Crier—John Greene.

Committee to prevent Encroachments on Streets.
Truman Beckwith, Isaac Mathewson, Leonard Blodget.

Inspectors of Pot and Pearl Ashes.—Smith Bosworth, Amasa Manton.

Inspectors and Measurers of Carpenters, Masons and Painters Work.

Wm. P. R. Benson,	Leonard Blodget,	John H. Greene,
Hosea Carpenter,	Robert Manchester,	Joseph Bogman,
Pardon Bosworth,	James Lewis,	James Brown.

Surveyors and Measurers of Stone.
Zachariah Chaffee, Daniel Hale, William Andrews.

Overseer of Public Bridges—Menzie Sweet.

Advising Committee on Public Bridges—Mayor and Aldermen.

Committee to superintend the building of Chimneys, and placing Stoves and Stove Pipes—Samuel Carlile, John T. Jackson.

Auctioneer—Sylvester Hartshorn.

Overseer of North Burial Ground—Benjamin Hathaway.

Measurers of Grain, Sea Coal and Salt.
John P. Jones, Hazeltine Taft.

Overseer of Pump North End—George Cleaveland.

Overseer of Pump South End—Samuel Carlile.

Overseer of Pump at Stow Pond and West End of Westminster Street.
Nicholas Northup.

Overseer of Pumps on High Street—George B. Corp.

Overseer of Pumps Broad Street—Thomas Clark.

Inspectors of Liquor to ascertain Proof.
Daniel V. Ross, John P. Jones.

Overseer of Town House—Joshua Rathbun.

Commissioners of Side Walks—Walter Paine, Massa Bassett.

Measurers of Bran—John P. Jones, Hazeltine Taft.

Committee on Nuisances.

Robert Angell,	Samuel Young,	Henry Cushing,
Benjamin Clifford,	Samuel Currie,	Daniel Field,
Massa Bassett,	John Reynolds,	William A. Howard,
William Sheldon,	Moses Richardson.	

SPEECH OF THE MAYOR.

GENTLEMEN OF THE CITY COUNCIL:

Having been called by the voice of the freemen, to the office of chief executive magistrate of the City of Providence, I enter upon the arduous duties of that new and responsible station, with apprehension and a painful distrust of my competency for so great a work. This distrust, accompanied at that time by an unusual state of ill health, caused me to consent with great reluctance to the flattering request, of a large and respectable body of freemen, to become a candidate for the Mayoralty. But having yielded to their solicitations, and been elevated to the high and responsible place I now occupy among you, I may be allowed, on this occasion to say, that I feel a deep sense of gratitude to my fellow-citizens, for this distinguished token of their confidence, and shall employ my best exertions to merit it; craving their indulgence for the many imperfections which must inevitably attend my own infirmities, and the new and untried station, with which they have honored me.

Whether it has been the general custom, or not, in other places, on similar occasions, for the Mayor to address the body over which he presides, there appeared to me, at this time, on the first inauguration of that officer, and on the first organization of a city government, a manifest propriety in such a course. This day forms a new era in the history of our municipal affairs. Providence, the spot where Roger Williams first planted his feet, after crossing the line of that territory, from which he fled for a more perfect enjoyment of political and religious freedom—Providence, the home of our ancestors, the pride of our fathers and of ourselves, is to be known no more as a town in the annals of her history—She is to be henceforth known as a city. But, although changed in name and in her form of government, she still remains and will continue the same in industry, in intelligence, in independence of opinion, and in spirit of freedom. These characteristics are so interwoven in the very nature of her citizens, that they will never be changed, but with the change of their existence. The city council, the fundamental part of the city government, is now organized for the first

time, and we who compose it,are now to set the whole machine in motion. Like many other machines, it has wheels within wheels, and is capable of a vast variety of complicated movements. It may well be compared to what in our country, at this day, may be considered a familiar illustration, viz: an extensive manufactory moved by water or steam power. We, the city council, are the main wheel and upright shaft, with which are connected all the other wheels, and to which is attached, and from which proceeds all the gearing which imparts to the complicated machinery, the almost endless variety and combinations of power and of motion. We then, being the *main* and *upright*, and thus stationed, must gear this mighty machine and put it in motion, and try the first experiment upon it; and, although we are not answerable for its intrinsic defects, yet, we may pervert it and defeat its usefulness,and perhaps destroy the machine itself, by misapplying or misdirecting its power. It behooves us, therefore, to be considerate, prudent; to be discreet and watchful in our first movements. Much good or evil may in after time depend upon the first start. The change of our government, from that of a town to that of a city, though great in one sense, is not so in another. The town formerly had nearly, if not quite, the same power as the city now has, and the difference principally, if not wholly, consists in the different modes of applying that power. It may be likened to the power of steam, which has been long known and applied to many and various uses, but its application to the purpose of navigation is but of late invention. While a town, Providence was a corporation, and although she has now become a city, still she is but a corporation, and is dependent upon the creating power for every moment of her existence. The mode of governing is now different, yet the powers of governing are substantially the same. With very few exceptions, the city charter imparts no more power to the city as a corporation, than the town charter imparted to the town as a corporation. The principal object in obtaining the city charter, as I understand, was, not to obtain more power, but to administer the power already possessed with more prudence, economy and energy. New laws were not so much desired, by the friends of the city government, as the faithful, prompt and effectual execution of the laws already in force. A more strict police and a more rigid enforcement of existing laws, had,in their view, become extremely important.

The city government is a free government, as much so as that of any State in the Union, or as that of the United States. They are all republican governments. While a town, Providence was a pure democracy, where the people all met to transact their joint business; now it has become a city, it is a representative democracy, where the people once a year choose their representatives to act in their behalf. Both these forms of government are equally free, because the people in both cases act; in the one case directly and of themselves, and in the other, by agents of their own choosing. A pure democracy will answer while the community is small, but when it becomes numerous, it is too heterogeneous and unmanageable to be useful or even tolerable. In the first settlement of this country, all the powers of civil government were derived either from the parliament or crown of England by charters creating certain persons therein named, the first purchasers and settlers of the territory, together with such as they might associate with them and their successors and assigns, bodies corporate and politic with the right of choosing their own rulers, and to a certain extent, of governing themselves. As they derived their power either from the parliament or crown, they were dependent upon the parliament or crown, and so remained until, by their revolutionary struggle, they shook off their allegiance to their mother country, and became sovereign and independent States. For many years after their charters were granted, all the members of these corporations respectively assembled annually, to elect their rulers.

In this State the first settlers on the fourteenth of March 1643, received from the Earl of Warwick, then Governor-in Chief, with the rest of the Lords, Commissioners of Plantations, under the Parliament, a Charter of Incorporation, with powers of civil government; and just five years afterwards, being the fourteenth of March 1648, the General Assembly of the Colony granted a charter of civil incorporation to the freemen of the town of Providence creating them a body politic and corporate, by the name of "Providence Plantation in the Narragansett Bay in New-England." There were then but four towns in the Colony, namely, Newport, Providence, Portsmouth and Warwick. The reason assigned in the preamble of the charter incorporating Providence as a town, is in these words, "Whereas the said towns of Providence, Portsmouth, Newport and Warwick are far remote each from

other, whereby so often and free intercourse of help in deciding of differences and trying of causes and the like, cannot easily and at all times be had and procured, and of that kind is requisite." Under this charter the town, although she has dropt a part of her name for the sake of brevity, has existed as a corporation till the present change. On the 8th of July 1664, probably from a change in the government of England, a new charter was granted to the colony by Charles the second, the then reigning sovereign. So that Providence existed as a town upwards of fifteeen years before the royal charter was granted, which contains the outlines of the present civil government of the State. From the first settlement of the colony and for nearly a century after the granting of the royal charter, the freemen met annually at Newport to give in their votes for Governor and other general officers; and those who could not attend personally, sent by others their written votes with their names endorsed by themselves at length thereon, which they called proxies. Hence our lists of candidates and written votes for general officers are called proxies to this day, a term peculiar to Rhode-Island. Not only were all votes for general officers given in at Newport, but all new members of the corporation, or freemen, as they have been always called, were there propounded and admitted. This practice prevailed till about the year 1750 when the freemen became so numerous that it was provided by law that they should vote in their respective towns. But even after that, and for a considerable time thereafter, if any freeman omitted to vote in his town on town-meeting day, he might at the general election at Newport on the first Wednesday in May, before the votes were counted, give in his vote. Now no votes can be given in by the freemen, nor can freemen be propounded or admitted except in the towns in which they respectively reside. Towns, when incorporated by the State bear a strong analogy to States, or more properly speaking to colonies incorporated by the crown.

Roger Williams, the founder of Providence, arrived here in his canoe from Seekonk, in the year 1636. During his days the town, like every thing else in its infancy, was small, both as to its business and the number of its freemen. All the affairs of the corporation were therefore managed by all the corporators or freemen, meeting together upon pure democratic principles. But the num-

ber of freemen, since those days, having so increased, so many new and important interests having sprung up, and the affairs of the corporation having become so diversified and extensive as to render it impracticable to meet altogether, or to transact their business satisfactorily, a representative form of government has been agreed on, and the charter under which we are now organized has been procured and adopted. The necessity of this change arises, as in the case of the State which I have just mentioned, from the change in our condition. Improvements in government as well as in the arts spring naturally from the increase of business and of knowledge, and grow with the growth of intellect. Every thing physical, intellectual and moral, in our country, daily receives fresh impulse, and is marching on with steam-boat and rail-road speed upon the highway of improvement, and we must strive to keep pace with others in this march and live up to the spirit of the age. The city charter, I repeat, is truly republican in all its principles. It is founded upon the Roger Williams' platform, and breathes as pure a spirit of freedom as any of the free and liberal institutions of our country. It creates a municipal government, analogous in all its principal features to that of our State. It is a sort of *imperium in imperio*. The Mayor, like the Governor, presides in the highest branch of the Legislative Department, and also when both branches are in convention. It is true the mayor has some judicial and some executive powers which the Governor has not, but which still are vested in other State Magistrates and Ministerial Officers. The board of Aldermen answer to the Senate, and the Common Council to the House of Representatives; and all are composed of persons elected by the people themselves every year. The term for which all are elected is so short that the freemen have them, as it were, at their own command, and thereby hold their liberties and privileges in their own hands. The Mayor may be selected from any part of the city and is elected by the vote of the whole city; so the Governor may be selected from any part of the State, and is elected by the vote of the whole State.

The Aldermen are selected from different parts of the city, and are elected by the vote of the whole city; so the Senators are selected from different parts of the State, and are elected by the vote of the whole State. The Common Councilmen are elected from and by the respective wards

of the city, so the Representatives are elected from and by the respective towns. All Ordinances of the city must be passed by the board of Aldermen and the board of Common Council by concurrent votes; so all laws of the State must be passed by the Senate and House of Representatives by concurrent votes. All city officers are to be appointed by both boards of the city council, when united in convention; so all State officers are appointed by both Houses of the General Assembly when united in Grand Committee. The analogy might be further pursued, but as enough has been said to prove the position I have stated, I forbear. I would now ask, by whom were the freemen of the town heretofore governed, and by whom are the freemen of the city now governed? I answer, that in both instances they govern themselves; in the former directly by meeting and acting all together, and in the latter by choosing their representatives at short intervals to act for them. Again, what important powers have now the city council which the town have not heretofore had? None. What important powers have now the board of Aldermen, singly, which the town-council have not heretofore had? None. I have dwelt thus much upon this topic to remove all apprehension of the evils suggested by some, as liable to arise from extraordinary powers alleged to be embraced in it, which by an arbitrary exercise of them, might lead to oppression, if not to the prostration of the liberties of the people. I wish to quiet the minds of all such by convincing them that they have more to hope for than to fear from this new state of things; that no iron-handed tyranny is to bind them down in chains of servitude, and that the city charter is not a monster so dangerous to their safety, a monster that will trample upon and prostrate their liberties, and devour their substance. They may rest assured that nothing need be done to waste their earnings, to abridge their personal freedom, or to enslave their minds. I have no idea that because we have become a city we are to become proud, haughty, and extravagant, that we are to lay oppressive taxes and other heavy burdens upon the people to support a princely style, wholly incompatible with our age and condition in the world, a style equal to that of older, more populous, and wealthy communities, nor, on the other hand, that we are to screw ourselves up into a close and rigid parsimony, rendering us mean and contemptible, but that we are

to take a fair, respectable, and honorable stand, among our sister cities in the American Republic, maintaining a rank every way equal to, and compatible with, our age and strength, and our advancement in wealth and in knowledge. We ought not to suffer our pride to lead us to extravagance, nor our frugality to meanness. It ought to be the great object of communities, as well as of individuals, prudently to provide for wants, to increase comforts, to promote the innocent enjoyments of life, and above all, to cultivate intellect, and thereby to improve the mind, and better the heart. This new system of government was designed to promote these objects, and to encourage the practice of prudence, economy, and virtue, to afford more effectual security to persons, property, and private rights, and to aid in establishing on a more solid foundation, peace, tranquillity, and public safety. It ought then to be ministered upon just, rational, and liberal principles: the public moneys ought to be expended liberally, without prodigality, prudently and economically, without parsimony: the public laws should be executed promptly, discreetly, and energetically, without tyranny or oppression. In short, we who are placed at the head of the government, and are trustees of the powers granted, and are looked to for the faithful execution of our trust, are bound to administer the laws like rational and accountable beings, for the true and best interests of the people. The way we are to travel being unexplored and untrodden, we must start and move on with great circumspection. We must send out our videttes and engineers to search out and survey the surrounding country; and having, with great deliberation and on full conviction, decided upon the best course, we must send forward our pioneers to clear the way, and then pursue it steadily and resolutely to the end.

Having made the preceding remarks, which have been somewhat general and excursive, I will now call your attention, gentlemen, a little more closely to your sphere of action. I will, in the first place, state my views of the *general* powers, under the charter, of the boards of aldermen and common council, when acting jointly, and of each of those boards when acting separately. I will then point out the *particular* matters over which the two boards have jurisdiction by concurrent votes, and the *particular* matters, as far as I have been able to ascertain them, over which each board has exclusive jurisdiction, either by

the laws of the State, by the votes, orders, and by-laws of the late town of Providence, or by the city charter. The two boards when united in convention, and jointly forming the city council, have only two subjects of action, to wit: the election of city officers, and the propounding and admission of freemen. On these two subjects, and these only, they act and vote together as one body, the mayor presiding. The two boards acting separately, and by concurrent votes, have all the powers which were vested in, or are by the city charter conferred on, the inhabitants or freemen of the late town of Providence. They have also the power of passing by-laws and ordinances in cases wherein the late town-council had that power.

They have by special provision of the city charter, power to define the duties and fix the fees or compensation of officers, where such duties are not defined, nor such fees or compensation fixed by the laws of the State; and may by concurrent vote, two thirds of the members present of each board voting in the affirmative, remove officers for misconduct. They are also empowered and required by the city charter, to select annually and oftener, in case of vacancy, from the justices assigned to keep the peace within the city by the General Assembly, so many as they may deem proper, not exceeding three to constitute the Police Court. The board of Aldermen, the Mayor presiding, have jurisdiction over all matters over which the late town-council, or its members by virtue of their offices, had jurisdiction, whether that jurisdiction was derived from the laws of the State or from reference by the town, except the power of passing by-laws and ordinances:—also the executive powers of the city, generally, and the administration of police. The common council, acting separately, have only power to elect their president and clerk, determine the rules of their proceedings, judge of the election of their own members, and order new ones in cases of vacancies.

The preceding statement comprehends *all* the powers and duties of the common council, when acting separately; and *all* the powers and duties of the city council, when both boards are acting together in convention.

It now remains to consider what are the *particular* subject matters over which the city council, acting by the concurrent votes of both boards, have jurisdiction; and what are the *particular* subject matters over which the board of

Aldermen have exclusive jurisdiction. As regards these two subjects the field is exceedingly broad.

The first, that is, the city council, have all the powers which the inhabitants or freemen of the late town of Providence had, at the time the city charter took effect, and also such powers as the city charter itself confers.

The inhabitants or freemen of the late town of Providence, had at the time the city charter took effect, all the powers of a corporation, except such as were vested in the town-council by the laws of the State, or had been transferred by the town to the town council. The inhabitants of each and every town in the State, are, and ever have been bodies politic and corporate; and as such were, and are "fully empowered to make and ordain all such acts, laws and orders, for the well directing, managing, and ordering all prudential affairs of such town, as to them shall seem most conducive to the welfare and good order thereof, and to inflict fines and penalties for the non-observance of the same, not exceeding ten dollars, or more than one month's imprisonment for any offence, always provided in such cases that such acts, laws and orders, are not repugnant to the laws of this State." And by special provisions of the law, the town had power to assess and collect taxes, to relieve and support the poor, to repair highways, and to choose and elect so many town officers, as by the laws of the State are or should be required, to wit: a town-clerk, five or seven good and sufficient freeholders for a town-council, a town treasurer, a town sergeant, a town sealer of weights and measures, one or more auctioneers, such a number of assessors of rates and taxes, as might be necessary (provided that the number be not less than three, nor more than thirteen) one or more collector or collectors of taxes, one or more packer or packers of fish, a pound keeper, a sealer of leather, three persons to appraise and value estates, when disputed in voting, measurers (not exceeding two) of grain, salt, and seacoal, a school committee consisting of not less than five nor more than thirty, and so many constables, overseers of the poor, surveyors of high-ways, viewers of fences, guagers of casks, and all such other officers as the town should have occasion for; also one or more person or persons to superintend the building of chimnies and placing stoves and stove pipes. They had also the power concurrently with the town council to appoint a health officer. These powers the town of Providence had in

common with all other towns. They had also further and very important and enlarged powers conferred upon them by special acts and laws of the General Assembly, which other towns had not, to wit, to appoint three commissioners of side-walks, three or more presidents of fire-wards, and such a number of firewards as they might think proper; also to make by-laws for the government of the town relative to the erecting, establishing and regulating public markets and market places, and the trade thereof, relative to the streets and highways, and to the making, mending, paving, cleaning, and lighting the same; relative to nuisances within the limits of the town; relative to landing places, wharves, anchoring and mooring of vessels, and to injuries, encroachments and obstructions in and upon the waters of the rivers and harbor, and in the cove above the bridge; relative to trees planted for shade, ornament, convenience or use; relative to public walks and buildings; relative to sweeping of chimnies, and to fire engines and machines for stopping or extinguishing fire, and the preservation of the town from fire; relative to a public watch, and the security of the town from riotous and disorderly persons; relative to taverns, cook-shops, oyster houses and other places of entertainment, and to the assize of bread; relative to public shows, exhibitions and spectacles, and to the regulation of theatres and other public places of amusement; relative to the public burying grounds, and the burial of the dead; relative to foot and side-walks in the streets, and to posts, gutters, drains, signs, steps, cellar doors, windows and lamps therein. Over all these various matters and things the city council have jurisdiction; and relative to many of them, various by-laws and ordinances have, from time to time, been passed and are now in force, and will continue in force by the provisions of the city charter, until they are altered or repealed by the city council, or expire by their own limitation.

The subjects of which the board of Aldermen have exclusive jurisdiction are exceedingly numerous and multifarious, being all those the town council had jurisdiction of, and are scattered amongst the laws of the General Assembly, and the votes and orders of the town passed from time to time, except only the power of passing by-laws and ordinances. They have all the general powers conferred by the General Assembly on all the town councils in the State, in regard to their respective towns, namely, to manage the affairs and interests of the city, and to trans-

act and determine all such matters and things as shall by law come within their jurisdiction, and also being constituted ex officio the board of health, to carry into effect the numerous and important provisions of the health laws; and to give all such orders, instructions and directions in relation thereto as may be necessary, to prevent the spreading of any contagious or infectious sickness, and for this purpose to appoint a sentinel, and concurrently with the city council to appoint a health officer. They have also the power to adjudge and determine as to the settlement of paupers, and to remove all such as are not legally settled in the city, or who have become or are likely to become chargeable to the city, and also to remove persons of bad fame and reputation and such as shall be adjudged unsuitable to become inhabitants of the city, and to bind out such last mentioned persons in certain cases or order them to depart from the city—to lay out highways, to change highways, and to sell useless ones—to regulate the assize of bread—to grant licences to brokers or venders of foreign and domestic lottery tickets, also to grant licences to tavern-keepers and keepers of ale-houses, victualling houses, cook shops, oyster houses or oyster cellars, with the power of withdrawing such licences in certain cases—to retailers of wines or strong liquors and to pedlars of certain wares; to licence, regulate, and if they deem it expedient, prohibit and suppress theatrical performances, rope and wire dancing, and all other shows and performances—to prohibit the sale of liquor to drunkards by posting—to designate the places for the erection of guide-posts on public roads—to permit innoculation for the small pox—to prevent and remove nuisances and other causes injurious to health—to appoint auctioneers and to establish regulations relative to sales at auction and commissions of auctioneers, to bind out the children of poor black or colored persons, also disorderly black or colored persons, to pass rules and regulations relative to sabbath-breaking and drunkenness, to examine the jury-boxes, draw jurors, to tax the owners or keepers of billiard tables or the owners of the buildings in which they are kept, and to inquire into the misemployment of charitable uses. The town council of the late town of Providence had also conferred upon them by various acts of the General Assembly other powers not granted to other towns, namely, to grant licences to sell gunpowder with power to annul the same, to designate where gun-

powder shall be landed from on ship-board, to cause an examination to be made of house-keepers relative to fire buckets, to appoint a harbor-master, and to pass by-laws and ordinances on the subject, to appoint a surveyor-general of lumber, to designate places for slaughter houses, and to cause obstructions in the harbor, in the cove above the bridge and in the other public waters of the town, to be removed, and also to make rules and regulations relative to the public markets and market places, and the passing and arrangement of teams, carts, wagons, trucks and carriages therein—relative to the town watch and the police of the streets and public places, and relative to such other subjects described in the act of the General Assembly entitled, "an act to enlarge and explain the powers of the town meetings and town council of the town of Providence" as the town might think fit to refer to the government and regulation of the town council, and by virtue of the act last mentioned the town council at the time of the granting of the city charter and up to the commencement of its operation had by reference from the town, power from time to time to make by-laws and ordinances for the government of the town relative to the erecting, establishing and regulating public markets,market places and the trade thereof—relative to the streets and highways of the town and to the lighting of the same, relative to nuisances within the limits of the town, relative to landing places, wharves, anchoring and mooring of vessels and to injuries and encroachments upon the waters of the rivers and harbor, relative to public walks, relative to a public watch and security of the town from riotous and disorderly persons, relative to cook shops, oyster houses and other places of entertainment, relative to public shows, exhibitions and spectacles, relative to theatres and other places of entertainment, relative to foot and sidewalks, posts, gutters, drains, signs, steps,cellar doors and lamps—and by further acts of the General Assembly the town council of Providence were vested with power to cause grounds covered with stagnant water to be filled up, if adjudged injurious to health, and to cause drains to be sunk if necessary for health, to prevent passing of carriages in certain streets on Sunday, and to cause lime stored below high water mark to be moved. And lastly, (the end of this catalogue proving some what tragical) the town council were empowered to pass laws and regulations concerning dogs and to inflict penalties and forfeitures for the breaches of

them extending even to the destruction of the life of the animal. All these powers are transferred to the board of Aldermen except the power of passing by-laws and ordinances.

I come now, to those powers and duties which the board of aldermen derive solely from the city charter. They are required, from time to time, not more than once in five years, to revise, and if need be to alter the wards so as to preserve as nearly as may be an equal number of freemen in each—they are to appraise and value estates when disputed in voting—they are to receive, open and count the votes for mayor and aldermen given in at all elections of those officers and notify the persons elected, and in case of failure of election of any mayor or any of the aldermen or in case any of those elected refuse to serve, may order another election—may order new election of mayor in case of vacancy during the year, may order new elections in cases of vacancy in the board during the year by death, absence, resignation or disability, *shall* receive and count the votes given in the different wards for representatives in the General Assembly and in case of failure of elections shall order new ones till the whole number is elected, and in open board are to cause the packages of votes given in the different wards for general officers, for electors of President and Vice President of the United States, and for Representatives to Congress, to be by the city clerk enclosed and sealed up, directed and delivered according to law, and shall cause lists of the freemen of the several wards to be sent to the respective clerks thereof before elections and give certificates to those freemen whose names may have been omitted therein.

The duty of the mayor in connexion with the city council consists of but few particulars. He may call meetings of the two boards or either of them at any time—he shall preside in the board of aldermen and in joint meetings of the two boards, having only the casting vote in either, and shall from time to time communicate to both of them such information and recommend such measures as the business and interest of the city may in his opinion require.

Such, gentlemen, are the various and important duties of the city council when acting by concurrent votes of the two boards composing it, or in convention, and also of the two boards when acting upon subjects exclusively within their respective jurisdictions. It must be remem-

bered that all the bye-laws, ordinances and regulations heretofore made by the freemen of the town of Providence or by the town council thereof, and in force when the city charter commenced its operation, remain and will continue in force until they shall expire by their own limitation or be altered or repealed by the city council.

Upon full view of all these matters it must be perfectly obvious to every one that the acts of the General Assembly, the votes and by-laws of the town, and the acts, orders, resolutions, regulations, and ordinances of the town council, scattered as they must necessarily be over all the records of the proceedings of those several bodies, through a long course of time, and mixed with a vast variety of other matters, will be difficult to be found, and when found may be difficult to be understood, applied or enforced. In my opinion therefore it will be necessary, as soon as practicable, to collect, collate, revise and digest all those by-laws, ordinances and regulations and with the addition of such new ones as our present condition may require to be passed by us, to form a complete code of municipal laws. This will be a work of much time and labor. But it is necessary to be done; and the sooner it is begun the better. I therefore recommend that a committee be appointed, composed of members of both boards, to attend to this important work and report as soon as may be.

There are some other things however which require not only more speedy, but immediate action. It must not be forgotten that the town of Providence is no more, and that with her expired her whole family of officers. A new political being is created and requires immediate care, provision and superintendence. *City* officers must be appointed. But before that is done an ordinance ought, in my opinion to be passed, designating what magistrates or officers are necessary or proper to be appointed by the laws of the State and of the city. This ordinance like all others to be passed by the city council, must be passed by the concurrent vote of the two boards. It must also be remembered that the duties of the officers are to be defined, and their compensation or fees fixed in cases where such duties, fees or compensation are not defined or fixed by the laws of the State. The terms and place for holding the Municipal Court must be appointed, it being necessary to make arrangements for the early organization and establishment of that tribunal for important reasons, and more especially on account of its pro-

bate jurisdiction. As to city officers such ought to be appointed as the laws of the State require, with the exception of town-clerk, town council and committee to appraise and value estates when disputed in voting, which are abolished by virtue of the city charter, and such others as the town have heretofore usually appointed, with the exception of such as the new form of government renders unnecessary or improper to be appointed, and with the addition of those the city charter requires.

Those which the State laws require, I have already enumerated, and those which the town have usually appointed in addition, are the following:—Town Audit; Surveyors and Corders of Wood; Surveyors of Hoops, Staves and Heading; Clerk of the Market; Overseers of the Hospital; Field Drivers; Fire Engine, Fire Hook and Ladder, Hydraulian, and Forcing Stationary Engine Companies; Furniture and Goods Fire Protection Company; Town Criers; Committee to prevent encroachments on Streets; Inspectors of Pot and Pearl Ashes; Inspectors and Measurers of Carpenters', Masons' and Painters' work; Surveyors and Measurers of Stone; Inspectors of Lime; Overseers of the Public Bridges; Advising Committee on repairs of Public Bridges; Overseer of the North Burying Ground; Overseers of the several Town Pumps; Inspectors of Liquors to ascertain proof; Overseers of the Town House; Measurer or Measurers of Bran and Commissioners of Finance.

The City Charter specially requires the appointment of a City Clerk, a Municipal Judge, and a Clerk of the Municipal Court, and the selection of Justices of the Peace, not exceeding three to compose the Police Court. With the Judicial department we have no concern except to make the necessary arrangements for the organization and establishment of the courts.

By the provision contained in the second section of the City Charter, the Dexter donation, and the Asylum, and other town or city property connected therewith, still remain to be managed by the freemen in Town Meetings to be holden in the city, but the times, and places for holding and the manner of warning such meetings, are to be appointed and directed by the City Council. It is necessary therefore to pass an ordinance on this subject accordingly. The Asylum, however having been placed by the town under the charge of the Town Council, it passes over with other transferred powers under the city

charter, to the board of Aldermen, and will remain under their charge, till by some vote of the freemen in town meeting, it shall be otherwise ordered.

Under the act establishing free schools, passed by the General Assembly in January, A. D. 1828, it is necessary that an appropriation to a certain extent should be made by the city, for the purpose of supporting such schools, in order to entitle the city to receive out of the State treasury its proportion of the money appropriated by the legislature to that object. I therefore recommend this subject to your early attention. It is a subject of the deepest interest to the community. In a free government, education, which elevates the mind, diffuses intelligence, and leads to virtue, is the surest foundation of freedom and public safety. Without free schools a portion of the community are cast into obscurity, and oftentimes intellect of the first order is lost to its possessor and to the world. Children of the poor, as well as of the rich, ought to be instructed both in letters, and in morals, and no state of society can, in my opinion, excuse the neglect of it. The opulent cannot bestow a portion of their wealth more benevolently, nor, I humbly conceive, more for their true interest than by applying it to this object. If they wish to live in a community peaceably, orderly, free from excess, outrage and crime, let them promote by their wealth and their influence the cause of education. They will find both their interest and their happiness in it. By looking over the catalogue of offenders it will be found that vice of every kind and degree most generally springs from ignorance. The want of learning and of moral instruction generally leads to idleness, to dissipation, and to crime, and often ends in ruin. The town of Providence has taken a lead in the good work of education highly honorable to the community. About the year 1800 the legislature passed a law establishing free schools throughout the State, but in less than two years, owing to the difficulties in introducing the system into operation, it was repealed. But Providence, unwilling to put her hand to the plough and look back, did not, on the repeal of the law, relinquish the noble undertaking which she had commenced under it. She has ever since maintained public free schools, at very great expense, and that too without aid from any quarter till within a very short period. And I hazard the assertion that few, if any, institutions of the kind in our country are bet-

ter established, regulated, and conducted, or prove more useful to the public. Within the last five years Providence has received in common with the other towns in the State, by legislative bounty, her proportion of the public revenue derived from certain sources and specially appropriated for the support of public schools. This measure on the part of the legislature reflects much honor on that body, and evinces a wakening and laudable increase of public interest in this great and important cause. May they still continue to cherish and promote it, and may we all be alive to its importance, and never, on any account, suffer it to languish.

Although not strictly within our province, yet I cannot, in connection with this subject, refrain from paying a passing tribute of praise to those of our fellow citizens, both male and female, who have by their exertions and influence, and pecuniary aid, been instrumental in establishing and maintaining Sunday Schools. These institutions are not so much the nurseries of letters as of morals, and in this point of view they are of infinite importance to the rising generation. Literary is but secondary to moral and religious instruction. The former qualifies its possessor for action, the latter gives that action a right direction. Intelligence in a bad man increases his power to do evil; in a good one it stimulates to virtue. As good citizens it is our duty, on all occasions, to promote every undertaking which tends to improve the moral and religious condition of the community, and no one tends more to this end, or calls louder for our active and zealous support, both individually and collectively, than the maintenance of Sunday Schools.

I must now call your attention, gentlemen, to that all absorbing subject, upon which mankind, under all governments, are the most sensitive, namely, taxation. There is nothing which so much moves and agitates, nothing which so much rouses to action and stimulates to opposition and resistance as public exactions. Such is the nature of man that he may be *led* to part with his thousands, but if you *demand* and put your hands into his pocket without his consent for a single dollar, you must be prepared to show the justice and legality of your claim or he will resist you at almost any hazard. Great prudence and discretion therefore are required in the administration of this department. Unfortunately we have but few other means of raising money to defray our expenses than by

hard, dry, direct taxation, which of all the modes of abstracting money from the pockets of the people is the most obnoxious. We must therefore, as I have already remarked, be prudent and economical in our disposal of the public moneys, keeping full and particular accounts that our constituents may be apprized of the nature and objects of our expenditures. It has been usual at this time in the year to order a tax, and the ordering of one the present season is indispensable. The only question that can arise on the subject will be as to the amount. Our taxes heretofore, though large, have not been sufficient, from time to time to meet our expenditures, and we have been gradually sinking in debt, till the amount we now owe has risen to the sum of $107,336,83, drawing an interest of five per cent. The tax last year was thirty-five thousand dollars. This will probably, nearly, if not quite, meet the current expenses of the year, though I cannot speak with much confidence on this point, as time and opportunity have not been afforded me to obtain such full information from the treasury department, as to enable me to ascertain it with any degree of accuracy. The Treasurer's report will however be laid before you which will no doubt give you a full view of the matter. It is difficult to foretel with much exactness what will be the amount of expenses for the ensuing year. Some, though I trust not much, additional expense will be created this year in introducing the city government into operation, but it is to be hoped that by prudent management in subsequent years a saving will be made by the change. On the whole, from the general information I have obtained, I think we may be able to go through the year with the same amount of tax as was assessed last year, without much, if any increase of our debt.

By the city charter the police of the city is confided to the mayor and aldermen. This power is all important in a municipal government. It is its very essence and vital principle of action. The board of aldermen are to adopt such measures as they may deem necessary and proper for this important end, and the mayor as the chief executive magistrate is bound to see those measures as well as all the laws, and the ordinances and regulations of the city council carried into full and complete execution. The known discretion, intelligence, sound judgment and practical knowledge of you, gentlemen, who now compose that body, afford to the public under your administration eve-

ry security against oppression on the one hand, and laxity and imbecility on the other.

It is of the very first importance that all police laws should be rigidly enforced. No law ought to be allowed to become obsolete.—So long as it remains in force execute it.—If it is a bad law repeal it, but never suffer it to be violated with impunity. Such a course would weaken any government and render inefficient the best code of laws human wisdom could devise. Enforce or repeal, ought to be the maxim. Let the law-makers discuss, weigh, consider and decide upon the necessity, propriety, and expediency of all laws before they enact them, but when enacted let not the executive officers hesitate or undertake to deliberate or to judge of the necessity, propriety or expediency of the law, but let them act, and act promptly and effectually. So far as relates to him who now addresses you, the public may rest assured that so long as he sustains the important place he now occupies, he will not exercise the power he possesses to gratify private feeling, nor for the purpose of tyranny or oppression—nor will he on any occasion, hesitate, or knowingly omit, to exercise it when the public good or the peace of the community requires it. But looking up to that Being who is the source of all wisdom, and power, and goodness, for guidance, support and protection, he hopes and trusts he shall be enabled fearlessly, faithfully and efficiently, to discharge every duty which may devolve upon him, however severe may be the trial or painful the conflict.

Permit me, gentlemen, before I conclude to express, and in so doing I presume I shall express the sentiments of the great body of the people, the commendation justly due to the late Town Council, for their faithful, judicious and untiring exertions in the discharge of their arduous duties during the year past, a year fraught with uncommon difficulties and trials. They have proved themselves true to their trusts. Up to the very moment of the organization of the City Government which put an end to their functions forever, we found them all at their posts, and may they, having patiently and perseveringly endured to the end, meet with the reward of good and faithful servants.

In conclusion, gentlemen, allow me to assure you that in compliance with the requisition of the city charter, I shall from time to time make such suggestions and recom-

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mend such measures as I may deem for the interest of the city; and relying on the candour and indulgence of my fellow-citizens, and on your discretion, your understanding, and your judgment, your integrity, and knowledge, I hope to be sustained and to meet with your cordial support and co-operation in every good undertaking. Finally, may we by our examples, both individually and collectively, of prudence, temperance, and virtue, teach our fellow-citizens to live quiet, peaceable and moral lives, and seeking wisdom from above, which is profitable to direct, may we by a due and faithful discharge of all our public trusts be instrumental in improving our laws, preserving our rights and privileges, upholding and cherishing our free institutions, and in transmitting to our children unimpaired, all our civil and religious liberties:— And may the choicest blessings of Heaven be showered down upon this City, upon this State, and upon our common Country.